

Animas Site Update for Carol C.

9/22/11

- I. Take homes from last week's meetings in Silverton - Sabrina/Jennifer
- II. Update on Removal Activities and Schedule - Steve/Curtis
- III. Update from Enforcement and their planned actions - Mike/Richard
- IV. Next steps
- V. Site Name Issue

Briefing Document - 09/22/2011

Upper Cement Creek, San Juan County, Colorado

Sabrina Forrest, R8 NPL Coordinator & SAM – 312-6484

Jennifer Lane, CIC – 312-6813

Status:

- Draft HRS package still in process and will be submitted to EPA HQ by September 29, 2011 deadline. Community is aware that this process and PRP search will continue, although region and state recognizes from last week's meetings that NPL proposal by March 2012 unlikely. HRS package likely to remain draft until community support indicates remedial funding desired.
- Common threads to which EPA staff wants to respond. Where possible, take messages from other Superfund site examples:

- Some support EPA and anything that will improve water and get more jobs in the community
- Others say stop studying and get to doing something

Many are skeptical and sent messages EPA has heard before

- EPA is lumped with other agencies – other state (DRMS permitting) and federal agencies are moving slow or are non-responsive on other issues, we are also the bad guy
- Metals in Cement Creek are from natural sources; skepticism of need to do anything
- Economy/ Jobs – will locals get any, or will “Feds” contractors all get them?
- Tourism will be ruined
- Lack of control – who will govern the process? Aren't there other communities that need federal money worse than Silverton?
- Who is EPA responding to? Question of Community and belief that regulators favor downstream groups and leave San Juan County negatively impacted.
- Will funding for an ecological site come around, or would we list and do nothing?
- Superfund Stigma
- Superfund will not allow for investment in new mines or for mining interests to come to Silverton
- Property values will be impacted
- How will the area and community be impacted?
- What will the remedy be; how can this be an unknown after so much study?
- Where would work be done?
- How much will it cost?
- What happens if EPA and the State can't fund a treatment plant; how will San Juan County take it on?
- Community and stakeholders want to first explore collaborative approach
 - County and Stakeholders want EPA and state to continue to help define the problem and changes in water quality since bulk heads installed and flows increased from higher adits/drainages

- Community and stakeholders wants all data shared with them – ongoing
- Will removals continue?
 - If so, the stakeholders want more sharing community input/involvement and want locals to be given chance to bid on projects (SAM could share the information with ARSG and County if OSC unavailable to do so).

Of Importance:

- State supports listing, but San Juan County and Local opposition is expected to the proposed listing.
- BLM has been supportive, but also wants to be clear about what they are responsible for – the American Tunnel. No sources are on USFS land; however, some USFS lands downstream of Cement Creek may be impacted. BLM state lead, Brent Lewis, has been updating USFS staff from Durango. Maintaining partnership with BLM will be key.
- Main PRP, Kinross Gold Corp. (Sunnyside's parent company) stated they are present and participating in the stakeholder's collaborative process – they don't want Superfund or enforcement, intimating they would fight it
 - SAM/NPL Coordinator emailed Kinross representative asking what their involvement in the collaborative process means
- BLM has EPA's draft MOU; EPA and BLM plan to meet October 26, to discuss strategy, especially with regard to PRPs.
- Gladstone, San Juan County, Silverton names should not be associated with Superfund site name. Upper Cement Creek, or Cement Creek are preferred site names.
- Ongoing community input needed, but some locals do want to see action, not more study
 - Seeing incremental improvements via Red & Bonita removal activities might be positive for EPA.

Next Steps:

- Development of Fact Sheet and Q & As to put in Silverton Standard
- EPA needs to respond to email received from J. Paul Brown, Colorado State Representative in House District 59 in support of Silverton resident's concerns
- State to fund County and some Town staff field trip to Creede and Crested Butte
- EPA and County to jointly coordinate and host an Upper Cement Creek Forum to bring expertise from other Superfund sites to discuss their experience with Silvertonians and other stakeholders
- Ongoing public meetings likely needed for 2012
- Colorado Public Radio has indicated desire to interview EPA staff
- Trout Unlimited may request EPA to come to Durango and give presentation

Fw: Animas Site Update

Daniel Heffernan to: Aaron Urdiales, Carol Campbell, Daniel Heffernan,
Kelcey Land, Martin Hestmark, Mike Rudy, Richard Sisk, Sabrina Forrest, Steven Way, Curtis Kimbel, 09/21/2011 09:02 AM

From: Daniel Heffernan/R8/USEPA/US

To: Aaron Urdiales/R8/USEPA/US@EPA, Carol Campbell/R8/USEPA/US@EPA, Daniel Heffernan/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA, Martin Hestmark/R8/USEPA/US@EPA, Mike Rudy/R8/USEPA/US@EPA, Richard

History: This message has been forwarded.

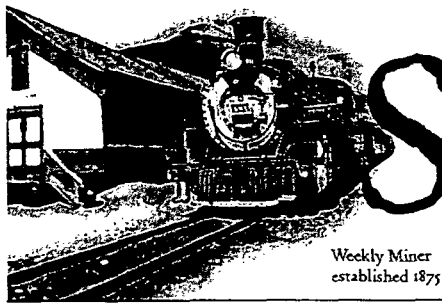
Greetings: Here's an agenda and some background for our Animas Site Update tomorrow. I hope most of you can make it.

Draft 9/22 3:15pm Animas Update Agenda:

1. Take homes from last week's meetings (see summary below) - Sabrina/Jennifer
2. Update on Removal Activities and Schedule - Steve/Curtis
3. Update from Enforcement and their planned actions - Mike/Richard
4. Next steps

draft hot topic: ***SIGNIFICANT LOCAL CONCERNS VOICED REGARDING POTENTIAL NPL LISTING OF UPPER CEMENT CREEK:** During the week of September 12 – 16 the R8 NPL Coordinator, Community Involvement Coordinator, and CDPHE Superfund program representatives attended the Silverton Town Board and San Juan County Commissioners' meetings to update them on recent EPA steps and activities related to possible inclusion of the Upper Cement Creek site on the NPL -the site is being considered for Listing based on impacts to Cement Creek and the Animas River from mine waste piles and uncontrolled mine discharges. EPA also conducted community input sessions, met with business owners and elected officials and attended Animas River Stakeholders Group (ARSG) and Upper Cement Creek technical workgroup meetings. Conversations throughout the week indicate that there are some who may support Listing; however, many Silverton and San Juan County residents and elected officials have unanswered questions and favor exploring a non-NPL approach. The idea of a March 2012 NPL Proposal was met with major concerns by local officials which may impact the state's willingness to provide a Governor's letter by the December 2011 deadline.

Some community members favor developing a collaborative approach to address the Upper Cement Creek water quality issues and want EPA to continue to be part of the process. Of note, a representative of the main potentially responsible party, Sunnyside Gold Corp, a wholly owned subsidiary of Canadian mining interest Kin Ross, indicated a willingness to participate in the collaborative process as long as Superfund Listing and enforcement are not involved. County and Town officials would like to visit nearby communities with Superfund sites in October 2011 (CDPHE will try to facilitate this) and conduct a forum with members from these Superfund communities in November 2011 or early 2012 (EPA is looking into invitational travel options for this). EPA is developing a factsheet/Q&A document for distribution and will hold additional public meetings throughout the fall.



Silverton STANDARD & the MINER

SILVERTON'S PIONEER NEWSPAPER SINCE 1875

Weekly Miner
established 1875

Silverton Standard
established 1889

IN BRIEF

Llama Fest Sept. 22-25

Learn about llamas at the 2011 Pack Llama Festival on Saturday, Sept. 24 at Kendall Mountain Recreation Area.

Get your hands on the animals and see what they can do. Then stay for the concert by the Andy Hackbarth Band. Tickets are only \$15!

The Andy Hackbarth Band, based out of Denver, will be performing at the 2011 Pack Llama Festival on Saturday night. Denver-area folks may have seen them perform at the Botanic Gardens' Garden Grapes and Hops event, the Rock Bottom Summer Concert Series, the Hard Rock's 40th Anniversary Celebration, Kenny Chesney's "Goin' Coastal" Kickoff Party, at the finish line of the Denver Triathlon or at the Water for People Fundraiser this summer.

The band also performs frequently in Wyoming, Idaho, Utah and throughout Colorado. Visit <http://andyhackbarth.com/> for more information!

Tickets for the concert are \$15 and can be purchased in advance or at the door. Check out our website at <http://packllamafestival.rentallama.com> for more information.

Bordello Ball, Crawl to the Ball Oct. 1

Think about working up a big appetite Saturday night, Oct. 1. It's Crawl to the Bordello Ball time again.

At least 10 restaurants will be offering their best selections to complete a hearty meal before the annual Youth-Of-Silverton fundraiser at the Grand Imperial Hotel. And you'll be helping A Theatre Group too.

Aspens hike on Lower Engineer Trail Sept. 17

Learn about our beautiful aspen trees, the changing of the leaves, and more fall ecology on this gorgeous hike on the Lower Engineer Trail, led by Larry Eads.

Meet at the Durango Recreation Center in front of the ball fields on Saturday, Sept. 17 at 8:30 a.m. to carpool, and plan to be back there by 3:30 p.m.

The event is sponsored by San Juan Mountains Association and San Juan Public Lands. Registration requested. Contact Gabi Morey to register at 385-1256 or gabi@sjma.org.

San Juan Mountains Association promotes responsible care of natural and cultural resources through education and hands-on involvement that inspires respect and rever-

See BRIEFS, Page 4

Skepticism over Superfund

By Mark Esper

A brief Environmental Protection Agency presentation on the possibility of using Superfund to address water quality issues on Cement Creek was greeted with some skepticism at Town Hall on Monday night,

Some question the need for designation and possible negative impact on tourism

Sept. 12. Some attending the session during the Town Council meeting even questioned whether there was enough data

Field trip Friday; more input sought
Page 3

to support the conclusion that there was a serious problem.

Sabrina Forrest, EPA site assessment manager from Denver, said

the agency wants to find a comprehensive solution to worsening water quality in the creek, attributed to run off from long-abandoned mines in the area.

Forrest said that CERCLA — the Comprehensive Environmental Response,

See EPA, Page 8

HERE IT COMES!



Mark Esper/Silverton Standard & the Miner.
Snow appeared on the top of Sultan Mountain and other peaks surrounding Silverton Monday morning, indicating what is in store for the San Juan Mountains in coming months.

Anvil Mtn. plat OK'd by panel

The final plat for a 34-lot subdivision that could contain as many as 54 residential units won unanimous approval from the San Juan Regional Planning Commission on Tuesday, Sept. 13, setting the stage for water, sewer and roads to be installed in the county-owned 14-acre site.

The proposed Anvil Mountain subdivision is being developed at the former Martha Rose Walsh smelter site just southeast of Silverton. It is designed to address affordable housing needs of the local workforce, with five premium lots on the west side designated for sale by the county at market value to help subsidize the workforce homes.

County Administrator Willy Tookey said that at least 60 percent of the lots will be earmarked for county residents who earn 125 percent or less than the median income in the county. The median income for a family of three in San Juan County was \$50,800 in 2010 according to the Regional Housing Alliance of La Plata County, which has been helping the county bring the project to fruition.

The county was required to approve a final plat for the proposed subdivision by the end of this month or lose a \$400,000 grant from the state Department of Local Affairs to put in the streets, water and sewer systems.

The county has the bid documents ready to hire a contractor, and expects to advertise for bids soon.

The former Walsh Smelter site was acquired by the county six years ago from George Lancaster for \$280,000. It was paid for with a \$200,000 impact fee from Durango Mountain Resort as part of its development agreement which includes a large area in the southern San Juan County.

The discovery of contaminated soil left from the smelting operation resulted in a \$2 million cleanup of the site, largely funded with state and federal grants.

Tookey said the county now

See HOUSING, Page 5

OPINION



Official newspaper of the Town of Silverton and San Juan County. The *Silverton Standard & the Miner* is published every Thursday by the San Juan County Historical Society. Our mailing address is P.O. Box 8, Silverton, CO 81433

Periodicals postage paid at Silverton, Colo.
USPS #496-880
Postmaster, send address changes to: P.O. Box 8, Silverton, CO 81433

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Subscriptions are \$24 per year for Silverton residents; \$48 per year for all other deliveries by U.S. mail. Digital e-mail delivery is available at \$26 per year.

Our goals
The *Silverton Standard & the Miner* is a weekly newspaper written for people interested in the issues and news of Silverton, Colo., and the surrounding San Juan Mountains region. The *Standard* voices a strong sense of community for Silverton and the San Juans as it brings you the issues, characters, landscapes, and the talent of the region. Stressing in-depth, balanced, and thoughtful writing, news, photography, and topical articles on key issues affecting the region, the *Standard* keeps the greater San Juan community informed, entertained, provoked, and engaged in dialogue about the community and its future.

coloradopress
ASSOCIATION
2011 Member

Colorado Press Association winner:
□ Best news content for a small weekly, 2007;
□ Best photos and design, 2008.

2010 CPA awards:
• Best Business Story
• Best Education Story
• Best Headline Writing
• Best News Page Design
• Best Editorial Layout & Design
• Best Photo Essay
• Best Special Section
• Best Newspaper Promotion

Any ideas for Masonic bldg.?

By Don Stott

I picked up a copy of the *Silverton Standard & the Miner* at the Silverton Visitors Center's news dispenser on our way to Chama to ride the Cumbres & Toltec, and noted a great improvement in the paper.

If "Scoop" Duthie says it's good, that's enough for me, so put me back on the mail subscription list. Check for \$48 enclosed.

I stopped by Silverton on the way home, and had a long chat with my buddy Gerald Swanson, and he is also impressed with what I have been calling "the *Substandard*" for many years if not decades.

Good luck to you in the historical society.

Looked again at the Masonic Temple which badly needs me to restore it, but I can't think of a single use that could be made of it if I did buy it. Maybe a reader

GUEST OPINION

could think of one, because that historic building needs me, like the Grand Imperial, Wyman and Alma House did many years ago.

I am deeply disappointed with the way the railroad is being run, with outrageous fares charged. We rode the C&T in the parlor car for \$160 each, and this is a marvelous car, with the most comfortable of seats, an observation platform, lots of reading stuff, an attendant who will supply you with fruit, drinks, and about anything you want at no charge.

You also get a huge, delicious lunch at no additional charge at Osier. I rode the line in the 1960s from Alamosa to Durango, to Silverton and back to Alamosa several times, and it was a pleasure to renew my memories of that line, which hauled millions of tons to and from Silverton, which was the purpose of all

that track and grading in 1882.

To be truthful, I am prejudiced in favor of the Durango to Silverton, but the 4 percent grade, Windy Point, 2 Toltec Gorge and tunnel, Phantom Curve, Lava tank and loop, Cascade Trestle, etc., on the Cumbres & Toltec all brought back old and very pleasant memories.

Chama is full of closed buildings, closed businesses and shows the poor business conditions extant everywhere. None of the 490s are operating, but the 480s are purring along nicely. The Mud Hen is being reassembled now, and may be on the rails next season.

Lobato trestle has been rebuilt and looks great.

Damn! I must be getting old to remember all that stuff.

Don Stott, formerly of Silverton, now lives in Montrose.



Change is in the air

By Freddie Canfield

Folks in this neck of the woods regularly ask the cooperative meteorological observer about the weather.

"When will winter get here?" was recently overheard. I explained that I don't make predictions — ever. Following that explanation your correspondent was asked a question of his own. "When do you think fall will get here?"

We are still in an ongoing and often nonproductive stagnant late-season monsoon pattern. Since the 7th and 8th of August we haven't even had any nighttime temperatures below freezing.

However, our daytime temperatures are gradually falling off. Since Thursday we have been in the low 60s, with the exception of Saturday's high of 59.5 and Tuesday's 59.3. Significant rain occurred late Sunday night into Monday morning.

When thick valley fog cleared we gazed up at snow-dusted Thirteens surrounding our valley. That definitely got our attention!

Change is in the air.

Friday afternoon had the chilliest wind since May that I can remember — the kind of chill that reminds you it's time to get in some more firewood for the other season.

Or in my case, reminding me to have a fuller range of layers close at hand on the job site along with some denser, high-calorie edibles.

Perhaps after the weekend our realm might

WEATHER AND OBSERVATIONS

Date	High	Low	Precip., conditions
Sept. 7	69	34	Clear
Sept. 8	70	33	Overcast
Sept. 9	63	38	Slightly cloudy
Sept. 10	60	38	Overcast
Sept. 11	63	39	28, valley fog
Sept. 12	61	39	Light overcast
Sept. 13	59	33	Valley fog

even dry out a bit. We shall see.

Sunday we had Carhartt yoga at the Silverton Movement Center. That's the way that Katey Shapiro's yoga class for men worked out first time around.

Our instructor is an absolute delight. Her approach is open and accessible for anyone interested in relaxing and releasing a summer's worth of accumulated stress and tension. No previous experience necessary.

Plenty for even long-time yogic practitioners like yours truly. Join us at our next class — 5 p.m. on Sunday, Sept. 25.

It is both free and freeing!

P.S. Today is Papa San's birthday (97), far, far away in his tropical paradise. What a wise teacher and deeply loving, loveable and truly human being. I love you so and choose to be like you when I grow up!

FROM THE STANDARD MAIL CAR



'Caldera Coalition' asks: Who will pay for Cement Creek cleanup?

Editor:

When I see an ad like the one published for the past two weeks telling us to "Say NO to Superfund," I like to know who has run it and what his motivation is. Last week the ad was attributed to the "Gladstone Institute." So, I decided to do two minutes of research on the internet to learn something about this lofty sounding entity. It turns out, according to a 2007 Colorado Goldfields Inc. filing, that the owner and president of Gladstone Institute, described as an "education/mining company," and Gladstone Corp., a "souvenir company," is local mining claims owner, Todd Hennis.

In his ad Mr. Hennis tells us that, if some unstated party will "Drain the American Tunnel" and "Treat the Water," it will "End the Problem." The catch is that Mr. Hennis didn't say who would pay for all this if we "Say No to Superfund." I don't expect that his Gladstone Foundation will come forward to pick up the tab.

Mr. Hennis may, possibly, be on the hook for some of the cleanup costs if Superfund (short-hand for CERCLA — the Comprehensive Environmental Response, Compensation and Liability Act) does the cleanup. So, he is hardly a neutral party in this issue. I'm still trying to learn about the pros and cons of Superfund, but one could say in reply to Mr. Hennis' ad, in a slight variation of his text:

Say YES to CERCLA

Drain the American Tunnel
Treat the water
Get it paid for!
End the Problem
John Poole, Silverton
(Self-appointed president of the fictional Caldera Coalition.)

Neighbor asks: Who is impersonating Terry Rhoades?

Editor:

As a neighbor of Terry Rhoades, I am very concerned over the ad placed in last week's paper regarding Terry Rhoades living at 216 E. 18th St.

I don't know who is attempting to impersonate him but whoever it is, is doing a very poor job. As concerned neighbors, we watch over each other's houses while they are unoccupied or on vacation.

Terry's house located at 216 E.

See LETTERS, Page 5

Write to us

The *Silverton Standard & the Miner* welcomes letters to the editor. Send letters via e-mail to editor@silvertonstandard.com, or via snail mail to, Editor, *Silverton Standard & the Miner*, P.O. Box 8, Silverton, CO 81433.

IN BRIEF

Field trip to remediated mine sites set for Friday

The Animas River Stakeholders Group is sponsoring a tour of remediated mine sites in the Mineral Creek and Cement Creek drainages on Friday, Sept. 16.

"We will also look at some of the issues around Gladstone," said coordinator Peter Butler of Durango. "We plan to meet at the large pullout on the west side of the highway, south of Chattanooga near Red Mountain Pass at 8:30 a.m."

The tour will continue all day. "Please let me know if you are interested in participating so we have a head count, and we may order lunches," Butler said. He can be reached at (970) 259-0986.

"We will need 4-wheel drive vehicles, preferably with short wheelbases," Butler said. "We want to fill those 4-wheel drives to minimize the number of vehicles going on the tour."

Since 1994, the Animas River Stakeholders Group has worked to improve water quality in the Animas Basin through a collaborative approach involving all interested parties.

More input sought

on Cement Creek woes

The Environmental Protection Agency and the Colorado Department of Public Health and Environment are hosting a session Friday to accept informal public input on what should be done about mining impacts to portions of Upper Cement Creek.

Staff from EPA and CDPHE will be on hand to listen to ideas and to answer questions about cleanup options, including the Superfund program.

"We want to hear from you," said Jennifer Lane, EPA community involvement coordinator. Stop by at Stellar Bakery & Pizzeria to share your thoughts following a tour of Upper Cement Creek on Friday, Sept. 16, from 4 to 6 p.m. That event follows a field trip sponsored by the Animas River Stakeholders Group. Complementary refreshments will be provided by Stellar Bakery & Pizzeria.

Call, e-mail or write with your thoughts and ideas for addressing the watershed:

Jennifer Lane, EPA Community Involvement Coordinator, U.S. EPA, 1595 Wynkoop Street (80C) Denver, CO 80202-1129

Or call (303) 312-6813 (direct) (800) 227-8917, ext. 312-6813 (toll-free), or e-mail lane.jennifer@epa.gov

ATV staging area OK'd for permanent use

The Silverton Town Council on Monday unanimously approved the first reading of an ordinance that will allow the ATV access to a staging area at Silverton Lakes Campgrounds on a permanent basis.

The town this summer had allowed the staging area to be operated on a temporary basis and the consensus was it has been a success in providing more convenient access to town for ATV operators.

ATVs are banned from town streets except for the short stretches on the north end of town that access the staging area.

Mary Thornton of San Juan Backcountry said her company, which rents ATVs and Jeeps, used the staging area 35 times in June, 325 times in July and 180 times in August.

"I believe this is a wonderful service for people to be able to come into town and town and do shopping," she said.

Town Trustee Karla Safranski said she feels the staging area has been a great success.

She said she'd like to work out a plan whereby the two campgrounds at the south end of town could also gain access, perhaps in conjunction with a trails plan being worked on by Mountain Studies Institute. That trail plan hit a dead end when the State

Public Utilities Commission demanded an overpass over the railroad.

Penny Moore named alternate town judge

The Silverton Town Council has appointed Penny Moore to serve in the capacity of alternate municipal judge for the town.

Municipal Judge Lyndon Skinner requested the appointment in a letter to the Town Council. He noted that Janet O'Leary had served in that capacity prior to her serving on the Town Council.

"Since losing Janet approximately two years ago I have been unable to fill the position," Skinner said. He said that he asked Moore to serve and she expressed willingness to do so.

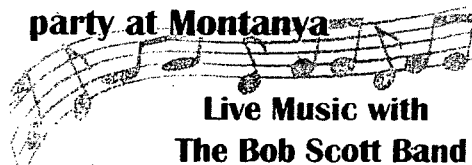
"Penny is highly qualified for the work," Skinner said. "She held the position of Clerk of the County and District Courts for two decades or so and has firsthand real-life experience in literally thousands of court cases."

Skinner said Moore will probably be needed for only 10 or so hours per year.



Sept 24th
4:00pm-Close

Raise the Roof! party at Montanya



Live Music with
The Bob Scott Band

Oktoberfest Celebration!



Saturday Sept 24th
Jack Ten High
Playing live 8:30



2011 Statewide Ballot Issue

A YES vote on any ballot issue is a vote in favor of changing current law or existing circumstances, and a NO vote on any ballot issue is a vote against changing current law or existing circumstances.

1. Michael Mauer, Director of Research of the Colorado Legislative Council of the General Assembly of the State of Colorado, do hereby certify that the following is a true copy of the measures that will be voted upon by the registered electors of the state of Colorado at the statewide election to be held on November 1, 2011.

PROPOSITION 103

SHALL STATE TAXES BE INCREASED \$536.1 MILLION ANNUALLY IN THE FIRST FULL FISCAL YEAR AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER BY AMENDMENTS TO THE COLORADO REVISED STATUTES CONCERNING A TEMPORARY INCREASE IN CERTAIN STATE TAXES FOR ADDITIONAL PUBLIC EDUCATION FUNDING, AND, IN CONNECTION THEREWITH, INCREASING THE RATE OF THE STATE INCOME TAX IMPOSED ON ALL TAXPAYERS FROM 4.63% TO 5% FOR THE 2012 THROUGH 2016 INCOME TAX YEARS; INCREASING THE RATE OF THE STATE SALES AND USE TAX FROM 2.9% TO 3% FOR A PERIOD OF FIVE YEARS COMMENCING ON JANUARY 1, 2012; REQUIRING THAT THE ADDITIONAL REVENUES RESULTING FROM THESE INCREASED TAX RATES BE SPENT ONLY TO FUND PUBLIC EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE AND PUBLIC POSTSECONDARY EDUCATION; SPECIFYING THAT THE APPROPRIATION OF THE ADDITIONAL TAX REVENUES BE IN ADDITION TO AND NOT SUBSTITUTED FOR MONIES OTHERWISE APPROPRIATED FOR PUBLIC EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE AND PUBLIC POSTSECONDARY EDUCATION FOR THE 2011-12 FISCAL YEAR; AND ALLOWING THE ADDITIONAL TAX REVENUES TO BE COLLECTED, KEPT, AND SPENT NOTWITHSTANDING ANY LIMITATIONS PROVIDED BY LAW?

Text of Proposal:

Be It Enacted by the People of the State of Colorado:

SECTION 1. Part 1 of article 77 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-77-103.3. Voter approved revenue change - use of revenues. THE REVENUES RAISED BY THE INCREASE IN TAXES IMPOSED PURSUANT TO THIS MEASURE, AS SPECIFIED IN SECTIONS 39-22-104 (1.9), 39-22-301 (1)(d)(i)(j), 39-26-106 (1)(c), AND 39-26-202 (2.5), C.R.S., SHALL CONSTITUTE A VOTER-APPROVED REVENUE CHANGE AND MAY BE COLLECTED, KEPT, AND SPENT NOTWITHSTANDING ANY OTHER LIMITS IN THE STATE CONSTITUTION OR OTHER LAW. ALL REVENUES RAISED BY THE INCREASE IN TAXES IMPOSED PURSUANT TO THIS MEASURE, AS SPECIFIED IN SECTIONS 39-22-104 (1.9), 39-22-301 (1)(d)(i)(j), 39-26-106 (1)(c), AND 39-26-202 (2.5), C.R.S., SHALL BE APPROPRIATED BY THE GENERAL ASSEMBLY ONLY FOR THE COSTS OF PUBLIC EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE AND PUBLIC POSTSECONDARY EDUCATION AND SHALL BE IN ADDITION TO AND NOT A SUBSTITUTE FOR MONIES OTHERWISE APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE COSTS OF PUBLIC EDUCATION FROM

PRESCHOOL THROUGH TWELFTH GRADE AND PUBLIC POSTSECONDARY EDUCATION THE AMOUNT OF WHICH APPROPRIATION SHALL BE NOT LESS THAN THE AMOUNT APPROPRIATED FOR SUCH PURPOSES FOR FISCAL YEAR 2011-12.

SECTION 2. 39-22-104 (2), Colorado Revised Statutes, is amended, and the said 39-22-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - definitions - repeal. (1.9) SUBJECT TO SUBSECTION (2) OF THIS SECTION, WITH RESPECT TO TAXABLE YEARS COMMENCING ON OR AFTER JANUARY 1, 2012, BUT PRIOR TO JANUARY 1, 2017, A TAX OF FIVE PERCENT IS IMPOSED ON THE FEDERAL TAXABLE INCOME, AS DETERMINED PURSUANT TO SECTION 63 OF THE INTERNAL REVENUE CODE, OF EVERY INDIVIDUAL, ESTATE, AND TRUST.

(2) Prior to the application of the rate of tax prescribed in subsection (1), (1.5), or (1.7), OR (1.9) of this section, the federal taxable income shall be modified as provided in subsections (3) and (4) of this section.

SECTION 3. 39-22-301 (1)(d)(i)(j), Colorado Revised Statutes, is amended, and the said 39-22-301 (1)(d)(i)(j) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

39-22-301. Corporate Tax Imposed. (1)(d)(f) A tax is imposed upon each domestic C corporation and foreign C corporation doing business in Colorado annually in an amount of the net income of such C corporation during the year derived from sources within Colorado as set forth in the following schedule of rates:

(i) Except as otherwise provided in section 39-22-627, for income tax years commencing on or after January 1, 2000, BUT PRIOR TO JANUARY 1, 2012, AND COMMENCING ON OR AFTER JANUARY 1, 2017, four and sixty-three one hundredths percent of the Colorado net income.

(j) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2012, BUT PRIOR TO JANUARY 1, 2017, FIVE PERCENT OF THE COLORADO NET INCOME.

SECTION 4. 39-26-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-26-106. Schedule of Sales Tax. (1)(c) NOTWITHSTANDING THE TWO AND NINETY ONE-HUNDREDTHS PERCENT RATE PROVISIONS OF SUBPARAGRAPH (b) OF PARAGRAPH (a) OF THIS SUBSECTION (1), FOR THE PERIOD JANUARY 1, 2012, THROUGH DECEMBER 31, 2016, THE RATE OF THE TAX IMPOSED PURSUANT TO THIS SUBSECTION (1) SHALL BE THREE PERCENT.

SECTION 5. 39-26-202, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-26-202. Authorization of tax. (2.5) NOTWITHSTANDING THE TWO AND NINETY ONE-HUNDREDTHS PERCENT RATE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, FOR THE PERIOD JANUARY 1, 2012, THROUGH DECEMBER 31, 2016, THE RATE OF THE TAX IMPOSED PURSUANT TO THIS SECTION SHALL BE THREE PERCENT.

SECTION 6. Effective date. This act shall take effect January 1, 2012.

YES _____ NO _____

October 1, 2011
Silverton Sports Swap
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SUPERFUND, from Page 1

Compensation and Liability Act of 1980 (commonly referred to as Superfund) — is one of the largest funding sources available to deal with a wide range of contamination issues.

An assessment conducted by the EPA in recent months found that a cluster of mines on upper Cement Creek are causing problems serious enough to justify Superfund listing.

But for that to happen, Forrest said, community support is needed and the governor must request such listing.

Town Trustee David Zanon questioned how "community support" is being defined, alleging that "a lot of people in La Plata County want to dictate what goes on in our county."

And Silverton resident Barbara Renowden asked how the EPA could determine what metals could be attributed to mine

drainage, given that there is a lot of natural mineralization of runoff occurring in the San Juans.

Forrest said the EPA conducted intensive sampling last fall, and also has at its disposal at least 15 years of sampling results from the Animas River Stakeholders Group and other sources. She said the difference between water quality upstream from the mines and below the mine drainage points clearly shows metals coming from those sources.

"We have a lot of data," Forrest said.

Doug Jamison, Superfund and Voluntary Cleanup Unit leader for the Colorado Department of Health and the Environment said that while there is a lot of "natural background contamination," data "consistently shows contamination from mine drainage. We have a ton of supporting data."

Jamison also addressed concerns that a Superfund designation could harm the town's

"Responsible mining is a good thing. The EPA is not against mining."

Sabrina Forrest,
EPA site assessment
manager

tourism-based economy.

Critics of Superfund have pointed to the experience of Leadville.

The town is now 98 percent cleaned up and the Superfund designation is about to expire. The town has made major efforts to improve its economy by encouraging tourism and emphasizing its history and opportunities for outdoor recreation.

"We've learned to be a lot more sensitive to community concerns," Jamison said.

Jamison said that while a number of mistakes were made at Leadville, the EPA and CDPHE now have "a fabulous relationship" with the town.

"It doesn't seem to affect tourism there," Jamison said. "Property values are up."

Silverton resident Larry Raab suggested an alternative preferable to Superfund would be to have a mining company come in and resume operations while addressing the water quality issues.

"It certainly would be better to have some kind of production allowed that could mitigate that," Raab said.

And Forrest said the EPA doesn't object to that approach either. "Responsible mining is a good thing," Forrest said. "The EPA is not against mining."

Then on Wednesday morning, Sept. 14, EPA officials met with the San Juan County Board of Commissioners.

Forrest explained to the commissioners that at this point the EPA doesn't claim to have all the answers on how to address the Cement Creek problems.

"We need more input," Forrest said. She said that despite the talk of the need for a large-scale treatment plant, that ultimately may not be the way to go.

"We don't have presumed remedies in place," Forrest said.

Barbara Nabors, project manager for the Colorado Department of Public Health and the Environment, said that agency would likely be charged with operating a water treatment plant if that route is taken. That would be financed by state solid waste tipping fees.

"We feel it is our job to address these problems," she said.

County Board Chairman Ernie Kuhlman told the state and federal officials that he needs more details on what the cleanup plan involves before he can give it his blessing.

And Commissioner Terry Rhoades, hearing that one idea under consideration involves more bulkheads of mine portals above Gladstone, worried that such a move would foreclose on any possible future mining there.

"There would be no chance of any mining if you bulkhead that whole mountain off," Rhoades said. He suggested a suitable site for a treatment plant could be found on Cement Creek just a mile or so above Silverton.

John Ferguson of Silverton, operations manager for Colorado Goldfields, a Denver-based firm hoping to bring mining back to the area, said his biggest concern is that "outside investment will not come to an area with a Superfund designation. It's a great, giant stop sign."

Melody Skinner, a Silverton resident who resides along Cement Creek, said what the county really needs is jobs, and Superfund could provide that, along with "improving the lives for everybody downriver from us."

Steve Fearn of Silverton, a coordinator for the Animas River Stakeholders Group, said that entity is setting up a workgroup to give some "shape and definition" to possible solutions to the Cement Creek water quality issue.

But he expressed concern that with Superfund, "in the end the EPA makes the final decisions. Period."

But Fearn also expressed optimism that a cooperative approach can be developed.

Commissioner Pete McKay said the status quo is unacceptable. And if the Superfund option is not exercised, some other viable alternative must be found.

EPA officials encouraged the county to take the lead in gathering community input, perhaps by visiting other Superfund sites and hosting a forum on the matter. The commissioners agreed with that approach.

And County Administrator Willy Tooke said the county should also "bring people to the table" who have resources that can be brought to bear on the problem, including state and federal agencies and mining companies associated with the properties involved.

"The problem is the same with or without Superfund," Tooke said. He said other routes of financing the Cement Creek cleanup effort should be explored.

"We might have to push the envelope and be creative," Tooke said.

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OPINION



Official newspaper of the Town of Silverton and San Juan County. The *Silverton Standard & the Miner* is published every Thursday by the San Juan County Historical Society. Our mailing address is P.O. Box 8, Silverton, CO 81433

Periodicals postage paid at Silverton, Colo.
USPS #496-880
Postmaster, send address changes to: P.O. Box 8, Silverton, CO 81433

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Subscriptions are \$24 per year for Silverton residents; \$48 per year for all other deliveries by U.S. mail. Digital e-mail delivery is available at \$26 per year.

Our goals

The *Silverton Standard & the Miner* is a weekly newspaper written for people interested in the issues and news of Silverton, Colo., and the surrounding San Juan Mountains region. The *Standard* voices a strong sense of community for Silverton and the San Juans as it brings you the issues, characters, landscapes, and the talent of the region. Stressing in-depth, balanced, and thoughtful writing, news, photography, and topical articles on key issues affecting the region, the *Standard* keeps the greater San Juan community informed, entertained, provoked, and engaged in dialogue about the community and its future.



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Sheep dogs put us at risk

By Scott Fetchenhier

GUEST OPINION

Last week there was a meeting with the San Juan County commissioners regarding sheep ranchers' use of large attack dogs that protect the various sheep herds grazing in the county.

There have been an increasing number of incidents involving threats and attacks upon hikers and bicyclists by these large dogs. A number of people have had to defend themselves against the attacks, some have been bitten and their family dogs mauled. Many backcountry enthusiasts have said that they are afraid to go anywhere that the sheep are grazing because of the danger from the attack dogs.

Instead of using the smaller less aggressive herding dogs the ranchers advocate the use of larger "livestock guardian dogs" to protect their herds because they are no longer allowed to use poison or traps to kill off predators. The dogs have been bred to protect their herds from any animal that appears to pose

a threat, including the perceived threat from humans.

Anyone nearing a herd is seen as an attacker and will be treated accordingly. It is only a matter of time before there is an incident like the one that happened in the Vail area where a woman was pulled off her bicycle and severely mauled by two Great Pyrenees. What if a family with small children is confronted by these dogs? Will the dogs see the children as a threat also?

We are potentially in a "put the traffic light in after the accident" scenario. Putting up signs warning hikers about the dogs is a poor solution. It is time to ask the ranchers to use a less aggressive type of dog so that a terrible accident does not occur in the backcountry. Better yet, maybe it is time to seriously question why sheep are being allowed to graze the fragile environment of the backcountry in the first place.

Realistically, the use of the backcountry in the San Juans has changed immensely in the

last fifty years. Years ago, mining was the county's largest industry and employed several hundred people.

Large sheep herds, numbering in the tens of thousand were allowed to graze in just about every gulch in the county. With the shutting down of the Sunnyside mine in 1991 and the layoffs accompanying it, the county's predominate industry became tourism.

Tourists are coming here in ever greater numbers to enjoy the backcountry through a wide variety of uses including four wheeling, dirt biking, hiking, fishing, and backpacking. One of the most common complaints I hear from them is about the sheep grazing in the backcountry and their impact upon visitor's enjoyment of the backcountry.

I have spent over thirty years hiking, four-wheeling and dirt biking in the San Juans. Every year, several hikes were spoiled by the herd of sheep that had

See FETCH, Page 3



Nature's ode to joy

By Freddie Carfield

The air is crisp and clear, leaves are turning, frost is thick and ice is on the dog's dish.

Nature is picking up the pace as fall arrives — now on schedule.

This past weather week began with a great deluge. Actually, last Tuesday it began and continued until Saturday afternoon. We received more water from the sky than at any time this year, since the third week of April.

We also had the coldest give days since the third week of May. For those of us who were here for it May was decidedly a winter month this year. Daytime temperatures were in the 50s with the skies falling. Sunday warmed up to 59.5 degrees and then blue skies, cool breezes and warm sun on Monday, perhaps the most perfect day I can recently remember!

Tuesday brought a few snow showers higher up. Snow did fall — a few flakes only — in town this week. On high the peaks have been repeatedly whitened down into the upper 11,000-foot range.

This time of year the spring in your step and the smile on your face become one with the beauty of life in its seasonal magnificence. Work hard and be happy.

We already miss the brass band on the corner every Sunday evening. This does not mean that the music is over for the season. Hardly. Music moved inside to the First Congregational Church Saturday and Sunday where the acoustics are about as good as acoustics get.

WEATHER AND OBSERVATIONS

Date	High	Low	Precip., conditions
Sept. 14	55	33	.38, foggy overcast
Sept. 15	56	36	.39, foggy overcast
Sept. 16	54	37	.27, foggy overcast
Sept. 17	53	31	.33, ground fog
Sept. 18	60	29	Clear
Sept. 19	65	28	Clear
Sept. 20	67	28	Clear

When you care enough, wonderful things can happen.

T.J. Black has a dream. That is to create a chamber music workshop and concert weekend in the fall of the year, right here in Silverton. This he initiated this past weekend. T.J. began with a modest and simple intention. We who shared this initial experience were wonderfully rewarded for doing so. There will be more to come, May you be there to share.

Acoustics makes a very tangible difference in shared musical experience. There are other equally significant factors — some less obvious, some less tangible. Sacred music, played in a sacred place in a sacred manner may be a train of thought that some may not be able to follow.

The joyful reverberation of music played reverentially, however, is not lost on our experience on deeper levels. This is the nature of attention to

See WEATHER, Page 6

GUEST OPINION

Cement Creek problem largely natural

By "Zeke" Zanoni

After reading page after page of hype in the *Silverton Standard* and the *Durango Herald* papers concerning Superfund that is being pushed at Gladstone, I could feel my frustration turning to anger. Almost everything written was either half-truths or scrambled with statements not even pertaining to the issue.

I feel someone needs to give at least one viewpoint to the other side of the story. Here's mine:

Yes, there is some heavy metals loading from the mines, but if the EPA were to be honest they would admit that there is also a higher percentage of natural metals loading into Cement Creek not coming from the abandoned mines in the area. Much of this is from the many iron-bogs found throughout the Cement Creek drainage, natural springs as well as drainage from the east side of the Red Mountain District. All one has to do is drive up the Cement Creek road and look at the banks of the creek and you will know why the first settlers named it Cement Creek.

Although I don't have a copy

See ZEKE, Page 8

FROM THE STANDARD MAIL CAR



Don't forget to get in on drawing for quilt

Editor:

We enjoy sitting and reading the *Silverton Standard* every week. Our summer feels like it is over and fall is in the air, so we're still able to do a little jeeping and hiking.

A couple of weeks ago while we were jeeping in Silverton we stopped at the museum to say hi to Lynn, who was working that day, and I saw where the quilt that was donated to the museum for a drawing Oct. 6.

So just a reminder if you still want to get a ticket to be the lucky winner for the quilt, there

See LETTERS, Page 5

Write to us

The *Silverton Standard & the Miner* welcomes letters to the editor. Send letters via e-mail to editor@silvertonstandard.com, or via snail mail to, Editor, *Silverton Standard & the Miner*, P.O. Box 8, Silverton, CO 81433.

Town of Silverton economic indicators: Mixed

	History	Last Year				Current Year					Year-Over-Year	
month collected / received	2002-2010 average	2010 county 4%	2010 town 1%	2010 monthly total	2010 cumulative	2011 county 4%	2011 town 1%	2011 monthly total	2011 cumulative	2011 cumulative BUDGET	2010-2011 monthly change	2010-2011 cumulative change
Nov/Jan	11,437	10,679	2,579	13,258	13,258	12,823	2,995	15,818	15,818	12,820	19.3%	19.3%
Dec/Feb	18,105	18,717	4,030	22,747	36,004	15,464	3,774	19,238	35,056	32,050	-15.4%	-2.6%
Jan/Mar	15,506	16,254	3,597	19,851	55,856	19,422	4,902	24,324	59,381	51,280	22.5%	6.3%
Feb/Apr	14,795	19,769	5,186	24,955	80,810	17,990	4,551	22,541	81,922	70,510	-9.7%	1.4%
Mar/May	15,970	18,447	4,595	23,042	103,852	27,842	6,667	34,509	116,431	89,740	49.8%	12.1%
Apr/Jun	12,744	12,885	3,497	16,382	120,234	12,389	2,746	15,134	131,565	102,560	-7.6%	9.4%
May/Jul	34,480	28,331	7,309	35,640	155,874	29,376	7,475	36,851	168,416	147,430	3.4%	8.0%
Jun/Aug	74,269	69,976	17,289	87,265	243,139	69,555	18,503	88,058	256,474	237,170	0.9%	5.5%
Jul/Sep	110,725	113,063	27,745	140,808	383,947	111,612	28,480	140,092	396,565	371,780	-0.5%	3.3%
Aug/Oct	86,694	79,448	19,294	98,742	482,689			-		480,750		
Sep/Nov	86,875	85,397	21,743	107,140	589,829			-		589,720		
Oct/Dec	39,663	36,907	9,059	45,966	635,795			-		641,000		
TOTAL	521,262	509,872	125,923	635,795	2,901,288	316,472	80,094	396,565				

The latest sales tax figures provided by the town show an increase of 3.3 percent for the year (through July). But figures for the month of July alone show a decline of 0.5 percent. The town's lodging fee collections, meanwhile, are down some 8 percent for the year to date, according to Town Clerk Brian Carlson. "It's mid-month, so it's a bit of a guess, and there are timing issues (some late filers), but I show we're down 8 percent," Carlson said. "The time frame I'm looking at is Jan. 1 through mid-September." In 2010 the town collected \$25,300 in that time frame, compared to \$23,300 this year. "I'll have a clearer idea and comparison after the third week of October," Carlson said. "At that time, I'll have all of September accounted for. And all of the leaf-peepers will be factored in." The town collects a \$2 per night fee for each hotel room occupied, and a \$1 fee for each campsite.

LETTERS, from Page 2

is still time before the Oct. 6 drawing.

Lorraine Whittington,
Montrose

Let your voice be heard on high alpine rules

Editor;
On Sept. 27, at 7 p.m. the San Juan Regional Planning Commission will be asking for public comment on limiting development in the backcountry. This is a very important meeting for all concerned citizens to attend and give their opinions as to whether there should be any or limited development in the high alpine backcountry.

With a moratorium in place on development in the tundra we have just a little bit of room to breathe and get even stronger regulations in place before development pressures are upon us again.

This is one of our last chances to have our say on what we want to see happen in the backcountry. Do we want to preserve our views that we so enjoy or do we want to see those vistas cluttered with cabins and homes? Those views are going to change unless we act now to preserve them.

We can't let our county go the route of San Miguel or even parts of Ouray County.

This is our last chance to really limit development in the tundra. We have the right to ask our commissioners and planning commission to respect our wishes for the backcountry. We have only this small window of opportunity to act.

The decisions that we make now will affect generations of San Juan County residents and visitors alike. We have to think about the long term benefits of preserving the backcountry views for future generations.

If we don't act now those views will be lost.

Scott Fetchenier, Silverton

EPA should work on cleaning up its own act

Editor;
Well I now see that the EPA is raising its ugly head again. They

are once more bound to repeat the mistakes that they made last time in the 1990s when they came with their "Superfund."

This so-called Superfund was a boondoggle of epic proportions. They plugged the main drift of the American Tunnel after disposing of the water treatment plant that was doing a very good job. With the 25-foot plug in place the water inside the workings filled the mine with water about 1,000 feet high and guess what? The water found its way to all the other mines in the area (a surprise to all connected.)

Water flowed out of the other mines and totally destroyed the ecology above the American Tunnel in the upper Cement Creek drainage. I drove up there the other day. The entire valley looks like hell on Earth. I call it the "Red Death." Travel up and take a look. Good job, EPA!

My solution to this boondoggle is to tell the EPA to get the hell back to where they came from and stay out of our country.

Everything this monster touches is bad news for everyone involved. They should be disbanded and defunded as soon as possible. They have already destroyed our economy, leaving us with only tourism, which is shaky with the current economy. The EPA should be prosecuted in the courts for malfeasance, which is a felony last time I looked.

Sincerely, Wiley Carmack,
53 years in business in Silverton.

Chamber Music Fest an exceptional event

Editor;
I attended the Silverton Fall Color Chamber Music Festival on Sept. 17.

Congratulations and thanks to Tim Black for attracting talented musicians from as far away as Phoenix. His hard work and dedication to sharing his love of music with us made this event possible. The music was exceptional.

I hope that this becomes an annual event.

Carol Chance, Silverton

Snoopy doing great!

Editor;
Snoopy's new owners, Sean and Sarah Burshok of Grand Junction, report:

Snoopy is doing great! We took her camping to the Grand Mesa on Saturday and she liked that!

We have been trying to get her used to being in the car, but she still gets car sick sometimes. She met our vet, and is scheduled to be spayed at the end of this month. All of her puppy teeth are gone and the adult teeth are growing in nicely! She has learned to "shake", "lay-down", "roll-over", and we're still working on her manners, like not jumping on people or biting.

Margot Early, Silverton

Clarification regarding the Gear Exchange

Editor;
We have received quiet a few calls about what our plans are with liquidating the Gear Exchange.

The Gear Exchange was owned by our son, Jimmy. The Wyman Hotel bought most of that inventory from Jimmy last year and this liquidation is the last of the equipment affiliated with the Gear Exchange that the Wyman Hotel isn't going to use.

We will be selling more than 100 sets of downhill skis and boots, which is about half of the inventory that Jimmy had. A lot of this equipment was ski and board sets that we donated for use to the Silverton School last year. We'll also be selling a large inventory of Mountain Boy Sleds, gloves, socks and much more. We won't be selling much, if any, of our Nordic or backcountry equipment.

The Wyman Hotel will still offer ski rentals and equipment sales but will no longer be located at the Kendall Mountain Lodge. All rentals and sales will be done from the Wyman Hotel & Inn. We will still offer Nordic equip-

ment, backcountry equipment, skis, snowboards, snowshoes, sleds, helmets, beacons and much more. We will open in late December or early January, depending on the snow conditions.

For this year, we will not be donating any ski equipment to the school but are still going to

pay for all of the Silverton kids ski passes (those under the age of 18 and living in Silverton), whether they go to school in Silverton or not. To get your free passes you will need to contact Town Hall, not the school.

Sorry for any confusion.
Rodger & Tara Wrublik,
Silverton

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You must meet the eligibility criteria to be considered for

this program, which includes applying for LEAP first. Anyone interested in this program can come by the Social Services office or call Deanna Jaramillo at 387-5631 to get an application.

"We have approximately \$4,000 left to spend by the end of October 2011," Jaramillo said.

ZEKE, from Page 2

of their report to give quotes, this was proven by a U.S. Geological Survey study and report submitted in the late 1990s. I'm sure the EPA is quite aware of this study, but never mentions it.

The EPA is a typical federal bureaucracy in the sense that it tells the public only what it wants them to hear — not really lying, but twisting the facts or leaving out things that should be in their reports and explained to the public. Let me comment on some that come to mind.

Assuming this treatment plant were to be built, there would be a large accumulation of sludge in its settling ponds over time. This would amount to hundreds of tons of material that would have to be pumped out every month or two and transported. Who will pay these costs and where would it be deposited?

Has the general public, who

are not familiar with water treatment plants, been informed that the small amount of clean water (in comparison) coming from the plant will be dumped back into an already naturally polluted river? By the time Cement Creek dumps into the Animas River there will be little difference from what we have now.

Has the EPA mentioned that Cement Creek (or do they know themselves) runs red for days after heavy rains on the Ohio Peak area, with mudslides running entirely down to the creek with heavy mineral contamination?

Does the general public (particularly those in Durango) know that Cement Creek is the east side drainage for the Red Mountains? And as beautiful as they may appear, they are highly contaminated with iron and other heavy metals.

Has the public been informed

that if this Superfund catastrophe were to take place the bulldozers would roll and abolish all remaining mine dumps within its boundaries, cover the sites with topsoil and plant grass? Not only would this eliminate any chance of these mines reopening, but it would also wipe out a good part of our mining heritage. A very disgraceful example of this is what the EPA has done to the Leadville mining district.

Has it been calculated what the stigma of a Superfund would do to our tourism industry?

Then there is the fish thing, implying that the mines have killed everything in the river. Being a fly fisherman myself, I would love to see gold medal fishing in the upper Animas, but I'm also a realist. Although the high lakes are normally good fishing, most all of the rivers — including the Animas — have proven otherwise, from day one.

Let me give one historical example:

The San Juan County Historical Society has a diary written by George Howard (whom Howardsville is named after) from 1872. This was two years before the Town of Silverton was founded. There is a page where he had written that he and a group decided to travel to the "western mountains" (Telluride area) on a prospecting trip. Returning several weeks later, they stopped at a lake (probably Trout Lake) to do some fishing. There they caught about 250 fish which they packed back to the Silverton area. Once back, the fish sold for \$1.50 a dozen. To put this story in perspective, wages at the time were \$3 a day. It doesn't take a rocket scientist to figure what this diary implies.

It should be pointed out to the non-historians that this was a period of time when the mines were in their prospecting stage, with little production, and there were NO mills that would have been depositing waste tailings into the rivers.

The whole thing makes one wonder if the EPA is qualified, or should even be allowed, to make the sole final judgment on a program that will cost the taxpayers millions upon millions of dollars, with no end in sight and nothing in return.

They tell us that this Superfund will be paid for with monies submitted by the oil industry. Even if the initial costs are from this source, it is not a bottomless pit of money. Treating water is a forever thing. This always eventually falls back on the taxpayer.

Then there are those who think throwing money at the problem solves the problem. Come on, give us a break!


Having the EPA and its subgroups evaluating the so-called polluted Cement Creek drainage with their biased attitude is like asking the fox if he would guard the chicken coop.

There is much more that could be written on the subject, but to sum it up, the last thing this county needs is the EPA and their Superfund.

I would think the county commissioners would take a strong stand against this Superfund and start asking some questions themselves. It's one more thing slipping away from them.

"Zeke" Zumoni is a resident of Silverton.

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